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9 *Counsel for Plaintiff and the Proposed Class*

10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 **Master File No. 2:23-cv-01480**

13 (Consolidated for pretrial proceedings  
14 with Case Nos. 2:23-cv-1481, 2:23-cv-  
15 1537, 2:23-cv-1549, 2:23-cv-1550, 2:23-cv-  
16 1577, 2:23-cv-1698, 2:23-cv-1719, 2:23-cv-  
17 1777, 2:23-cv-1826, 2:23-cv-1981, 2:23-cv-  
18 2042, 2:23-cv-2064, 2:24-cv-81)

19 **CONSOLIDATED CLASS ACTION**

20 **Case No. 2:23-cv-01480**

21 **ALL PLAINTIFFS' MOTION**  
22 **FOR APPOINTMENT AS INTERIM CLASS**  
23 **COUNSEL**

24 **In re: MGM Resorts International Data**  
25 **Breach Litigation**

26 **This document relates to: All actions.**

**ALL PLAINTIFFS' MOTION FOR APPOINTMENT**  
**AS INTERIM CLASS COUNSEL**

Plaintiffs, through their counsel, respectfully move for an Order pursuant to Federal Rule of Civil Procedure 23(g)(3) appointing J. Gerard Stranch IV, James J. Pizzirusso, and Lynn A. Toops as Interim Class Counsel in the above-captioned class action, and for the appointment of a Plaintiffs' Steering Committee and Liaison Counsel. This Motion is unopposed by any Plaintiff and is based on the following included Memorandum of Points and Authorities, exhibits thereto, and any other such papers submitted to the Court before or at a hearing on the Motion. Defendant has not taken a position yet.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

Plaintiffs' counsel J. Gerard Stranch IV, James J. Pizzirusso, and Lynn A. Toops respectfully seek appointment by the Court to serve as Proposed Interim Class Counsel for the consolidated data breach cases against Defendant MGM Resorts International related to the 2023 data breach. The following individuals seek an appointment on the Plaintiffs' Steering Committee and as Liaison Counsel.

**Plaintiffs' Steering Committee:** Mariya Weekes, Jeff Ostrow, Marc Dann, Rachele R. Byrd, Tom Loeser, Maureen M. Brady, Charles E. Schaffer and James Cecchi.

**Liaison Counsel:** Nathan R. Ring.

Proposed Counsel all meet the requirements for interim lead counsel set out by Fed. R. Civ. P. 23(g). First, Proposed Counsel all possess extensive knowledge of and significant experience with the applicable laws related to data breach litigation. They have litigated and resolved some of the largest and most prominent data breaches in the country, and successfully demonstrated Article III standing, certified cases for class treatment, developed applicable damage models, and obtained appropriate injunctive relief programs. Their experience and knowledge in this field is unmet.

**All Plaintiffs' Motion For Appointment As Interim Class Counsel**

1 Second, Proposed Counsel have diligently investigated and prosecuted this case to date. They have  
 2 already retained prominent experts to assist them with prosecuting these cases.

3 Proposed Counsel have also worked with the numerous exceptional attorneys who have also  
 4 filed independent actions in this case and have earned the support of all the cases and plaintiffs in  
 5 the Consolidated Cases and those cases that are still pending consolidation. Of the fourteen cases  
 6 and sixteen plaintiffs currently consolidated by this Court's Order (Dkt. No. 32, March 22, 2024),  
 7 all of the cases support the appointment of Proposed Counsel and the proposed leadership structure.  
 8 The proposed leadership structure is the product of a private ordering approach, which is the leading  
 9 method of leadership formation.<sup>1</sup> To ensure the case is prosecuted efficiently, Proposed Counsel will  
 10 also propose a time keeping protocol to ensure that only reasonable common benefit time is incurred  
 11 on behalf of the class. Third, Proposed Counsel have the resources and financial wherewithal to  
 12 prosecute this case with the care that Plaintiffs and the putative class deserve. Hailing from renowned  
 13 and national class action firms, Proposed Counsel collectively have over 1,000 attorneys with offices  
 14 around the country and are well situated to litigate this case against a well-financed Defendant  
 15 represented by large defense firms. For these reasons, Proposed Counsel are best positioned to  
 16 represent the putative class of consumers in these consolidated actions pursuant to Federal Rule of  
 17 Civil Procedure 23(g).  
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## 21 **II. BACKGROUND**

22 MGM Resorts International ("MGM") owns and operates casino gaming brands with resorts  
 23 throughout the United States, which include dining, live entertainment, accommodation, shopping,  
 24 and gaming. *Owens* Compl. ¶ (ECF No. 1). On or about September 7, 2023, cybercriminals gained  
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26  
 27 <sup>1</sup> See Manual for Complex Litigation § 21.272 (4th ed. 2017) ("By far the most common [method]  
 28 is the so-called 'private ordering' approach: The lawyers agree who should be lead class counsel and  
 the court approves the selection after a review to ensure that the counsel selected is adequate to  
 represent the class interests.").

1 access to MGM's information systems by impersonating an IT administrator and gaining access to  
2 network credentials. *Id.* ¶ 2. The attackers locked down guest rooms, Wi-Fi, ATM kiosks, gaming  
3 devices, other resorts services, and exfiltrated or accessed six terabytes of data. *Id.* ¶¶ 2–3. On  
4 September 21, 2023, Plaintiff Tonya Owens filed the first putative class action against MGM alleging  
5 negligence, negligence per se, breach of an implied contract, and unjust enrichment. To date,  
6 fourteen cases have been filed against MGM related to the 2023 data security incident.

### 8 III. LEGAL STANDARD

9 “The court may designate interim counsel to act on behalf of a putative class before  
10 determining whether to certify the action as a class action.” Fed. R. Civ. P. 23(g)(3). “Instances in  
11 which interim class counsel is appointed are those in which overlapping, duplicative, or competing  
12 class suits are pending before a court, so that appointment of interim counsel is necessary to protect  
13 the interests of class members.” *Paraggua v. LinkedIn Corp.*, Nos. 5:12-cv-3088, 3422, 3430, 3557,  
14 2012 WL 3763889, at \*1 (N.D. Cal. Aug. 29, 2012) (internal citation omitted). The “designation of  
15 interim [class] counsel clarifies responsibility for protecting the interests of the class during  
16 precertification activities, such as making and responding to motions, conducting any necessary  
17 discovery, moving for class certification, and negotiating settlement.” Manual for Complex  
18 Litigation (Fourth) § 21.11 (2004).

19  
20 In determining whether counsel is suited for appointment, the Court must consider: the work  
21 counsel has done in identifying or investigating potential claims in the action; counsel's experience  
22 in handling class actions, other complex litigation, and the types of claims asserted in the action;  
23 counsel's knowledge of the applicable law; and the resources that counsel will commit to  
24 representing the class. Fed. R. Civ. P. 23(g)(1)(A); *see also Wright v. Jacob Transp., LLC.*, No. 2:15-  
25 cv-00056, 2015 WL 3916001, at \*3 (D. Nev. 2015) (internal citation omitted) (applying these factors  
26 to appointment of interim counsel). The Court may also “consider any other matter pertinent to  
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28

counsel's ability to fairly and adequately represent the interests of the class." Fed. R. Civ. P. 23(g)(1)(B); *see also* Fed. R. Civ. P. 23(g)(4).

#### IV. ARGUMENT

All counsel seeking appointment through this motion satisfy each of the above factors enumerated in Rule 23(g) and should be appointed to their respective roles as Interim Lead Counsel, Plaintiffs' Steering Committee, and Liaison Counsel.

##### A. Proposed Counsel Have Thoroughly Identified and Investigate the Claims.

Although no one factor under Federal Rule of Civil Procedure 23(g)(1) "should necessarily be determinative," Advisory Committee Notes (2003), the investigative and analytical efforts of counsel can be a deciding factor:

In a case with a plaintiff class, the process of drafting the complaint requires some investigatory and analytical effort, tasks that strangers to the action most likely will not have undertaken. *All other things being equal, when an attorney has performed these or other investigative and analytical tasks before making the application for appointment, he or she is in a better position to represent the class fairly and adequately than attorneys who did not undertake those tasks.*

Moore's Federal Practice § 23.120(3)(a) (3d. ed. 2007) (emphasis added).

Proposed Counsel have all filed Complaints in the consolidated cases in this matter. Mr. Stranch, as part of a team of attorneys, filed the first Complaint related to the 2023 MGM data breach and these cases were consolidated into his matter. *See* Owens Compl. (ECF No. 1). Numerous additional and independent cases soon followed. Filing these Complaints required preliminary investigation and evaluation of the case, retentions by plaintiffs, and organization with co-counsel. It also required significant factual research on the breach itself; MGM's practices with regard to collection and storage of customers' PII; MGM's privacy and security representations to customers;

MGM's communications with data breach victims; FTC guidelines and MGM's failure to follow them; cybersecurity trends, standards, and practices in the industry; and harm the breach caused to Plaintiffs and the proposed class. Additionally, Proposed Counsel have worked to marshal all the cases filed to date and have coordinated on consolidation and early discussions regarding potential leadership in these matters.

These investigative and initial efforts represent a high standard of professionalism, dedication, and thoroughness, which have been marshaled to identify, develop, and demonstrate the claims alleged in the Consolidated Cases. These measures are precisely the type of work the Advisory Committee Notes to Rule 23 state that the Court should consider in appointing interim class counsel.

#### **B. Proposed Counsel Have Extensive Experience and Knowledge in Class Actions**

Proposed Counsel are well qualified to lead this litigation. Each attorney has extensive experience and knowledge in class actions and in data breach cases like this one, often serving as co-lead counsel or on plaintiffs' steering committees in similar cases. Brief descriptions of each attorney's experience follow and are included in more detail in the attached exhibits.

##### **1. J. Gerard Stranch, IV (Resume Ex. A)**

J. Gerard Stranch, IV ("Mr. Stranch") is the managing partner of Stranch, Jennings & Garvey, PLLC ("SJ&G") and runs the firms Class Action, Mass Tort and Complex litigation group. Mr. Stranch has a national practice, with extensive experience across the country, facilitated by SJG's attorneys and offices not only in Las Vegas, but in Nashville, Tennessee, and St. Louis, Missouri. Mr. Stranch has extensive experience in organizing and managing complicated litigation on a national scale. Mr. Stranch was the lead trial attorney for the Sullivan Baby Doe opioids case against Endo Health Solutions and Endo Pharmaceuticals, Inc., (originally *Staubus v. Purdue Pharma LP*, No. 2:17-CV-122 (E.D. Tenn.) which resulted in a default judgment against Endo for discovery

violations and settled once the jury selection process had begun for the largest per capita payout by Endo in any opioids case by many multiples. For this work, Mr. Stranch and his opioids team were awarded the “Tennessee Trial Lawyer of the Year” award. Mr. Stranch was appointed to serve on the steering committees of *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices and Products Liability* (No. 15-MD-02672, N.D. Cal.) resulting in approximately \$17 billion in settlements.<sup>2</sup> Mr. Stranch has been lead or co-lead counsel in numerous lawsuits regarding privacy and data breach claims, like the instant case and has obtained highly-favorable results.<sup>3</sup>

Mr. Stranch was appointed interim co-lead counsel in *In re CorrectCare Data Breach Litigation*, No. 5:22-319-DCR (Feb. 22, 2023) (Dkt. No. 33); and was appointed Co-Lead Interim Class Counsel in Kentucky state court in *Abby Berthold, et al. v. Norton Healthcare, Inc., et al.*, Jefferson Circuit Court, Case No. 23-CI-003349, a consolidated class action arising from a data breach. Recently, in *Lurry v. Pharmerica Corporation*, 3:23-cv-00297-RGJ (W.D. Ky., Oct. 16, 2023), Mr. Stranch was appointed Interim Lead Counsel of a consolidated data breach action, arising from a March 2023 data breach involving more than 5.8 million individuals, approximately. In being

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<sup>2</sup> In addition, in *In re: New England Compounding Pharmacy, Inc.*, (MDL No. 13-02419-RWZ, D. Mass.) (Dkt. No 82), Mr. Stranch was appointed to the executive committee and in charge of all Tennessee litigation and resulted in recovering over \$230 million in settlements. Mr. Stranch was appointed to the executive committee of *Dahl v. Bain Capital Partners* (No. 07-12388-EFH, D. Mass.) a case that resulted in a \$590.5 million settlement.

<sup>3</sup> See, e.g., *McKenzie, et al. v. Allconnect, Inc.*, No. 5:18-cv-00359-JMH (E.D. Ky) (data breach class action settlement providing \$100 direct cash payments to every single class member without the need for any claim form submission); *In re CorrectCare Data Breach Litigation*, No. 5: 22-319-DCR (E.D. Ky.); *Carr v. South County Health Alliance*, No. 74-CV-21-632 (Steele Cnty., Minn. Dist Ct.) (final settlement granted November 6, 2023); *Goodlett v. Brown-Forman*, No. 20-CI-005631 (Jefferson Cnty. Ky. Cir. Ct.); *Slos v. Select Health Network*, No. 71D05-2022-PL-000060 (St. Joseph Super. Ct. Aug. 5, 2021); *Jones v. Methodist Hospital, Inc.*, No. 45C01-1911-CT-001201 (Lake Cnty. Super. Ct.); *Joyner v. Behavioral Health Network, Inc.*, No. 2079CV00629 (Mass. Super. Ct.); *Baldwin v. Nat’l W. Life Ins. Co.*, No. 2:21-cv-04066-WJE (W.D. Mo.); *In re BJC Healthcare Data Breach Litig.*, No. 2022-CC09492 (Mo. Cir. Ct.); *Marshall v. Conway Reg. Med. Ctr., Inc.*, No. 23CV-20-771 (Ark. Cir. Ct.); *Crawford v. thyssenkrupp Materials NA, Inc.*, No. 2122-CC00411 (Mo. Cir. Ct.) (same); *Carr v. Beaumont Health*, No. 2020-181002- NZ (Mich. Cir. Ct.); *Goetz v. Benefit Recovery Specialists, Inc.*, No. 2020CV000550 (Wis. Cir. Ct.).



1 appointed, Mr. Stranch and SJG were specifically noted to have the necessary resources to serve as  
 2 lead counsel, as having “[a] larger pools of attorneys with relevant experience.” Dkt. No. 31 at pg.  
 3 3.

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 5 In addition to his work managing and running complex litigation, Mr. Stranch is a frequent  
 6 lecturer on class action and trial matters. Mr. Stranch has also taught as an adjunct at Vanderbilt Law  
 7 School on the practice of civil litigation.

## 8 **2. James J. Pizzirusso (Resume Ex. B)**

9 As a founding member of Hausfeld and chair of the firm’s Data Breach and Privacy practice  
 10 group, Mr. Pizzirusso has achieved national renown and success as one of the country’s preeminent  
 11 cybersecurity attorneys.

12 Chambers and Partners ranks the leading lawyers and law firms across the world. In 2023, it  
 13 ranked Mr. Pizzirusso (for the third year in a row) in “Privacy and Data Security: Litigation.”  
 14 Hausfeld is also the only Plaintiffs’ firm in the country to receive a Band 1 ranking by Chambers in  
 15 the category of Privacy & Data Security: Litigation, Nationwide (for the second year in a row). The  
 16 National Law Journal also named Mr. Pizzirusso as one of its “2023 Class Action/Mass Tort  
 17 Trailblazers” for his work on data breach and privacy cases. Most recently, Hausfeld was the only  
 18 plaintiff’s firm shortlisted for The Financial Times’ “Innovative Lawyers in Cyber Security and Data  
 19 Protection” award. Law360 also recognized Hausfeld as having a “2021 Practice Group of the Year”  
 20 in Cybersecurity & Privacy. Additionally, in 2021, Mr. Pizzirusso was personally named as one of  
 21 Law360’s “Cybersecurity & Privacy MVPs” (the only plaintiffs’ attorney to receive that distinction).

22 Courts have also appointed Mr. Pizzirusso to leadership in numerous other data breach and  
 23 privacy cases across the country.<sup>4</sup> Aside from data breach and privacy cases, courts have also  
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27 <sup>4</sup> *In re Equifax, Inc. Customer Data Sec. Breach Litig.*, 1:17-md-2800-TWT (N.D. Ga.) (PSC and Settlement Committee)  
 28 (\$1.5 billion settlement - largest data breach settlement ever reached); *In re T-Mobile Data Security Breach Litig.*, 4:21-  
 md-03019-BCW (W.D. Mo.) (Co-Lead) (\$500 million settlement – second largest data breach



entrusted Mr. Pizzirusso with leadership positions in dozens of other class action matters, as well. Mr. Pizzirusso has also worked with his colleagues in the defense bar serving on the Steering Committee of Sedona Working Group 11 on Data Security and Privacy Liability, the mission of which is to identify and comment on trends in data security and privacy law and work collaboratively with plaintiff and defense counsel. He has also appeared as a panelist at numerous conferences and often presents on cybersecurity, legal ethics, and consumer protection topics.

### 3. *Lynn A. Toops (Resume Ex. C)*

Ms. Toops and Cohen & Malad, LLP enjoy an excellent reputation as a leading class action law firm across the country. *See, e.g., In re Iowa Ready-Mix Concrete Antitrust Litig.*, No. C 10-4038- MWB (N.D. Iowa Nov. 9, 2011) (commenting that “fabulous results” were achieved for the

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settlement ever reached); *In re: Marriott International Inc., Customer Data Security Breach Litig.*, MDL No. 19-md-2879 (D. Md.) (Co-Lead); *In re American Medical Collection Agency, Inc. Customer Data Sec. Breach Litig.*, MDL No. 19-md-2904 (D.N.J.) (Steering Committee) (\$6.3 million partial settlement); *Doe v. Highmark, Inc.*, No. 2:23-cv-00350-NR (W.D. Pa.) (PSC); *In re LastPass Data Sec. Incident Litig.*, 1:22-cv-12047-PBS (D. Mass.) (Co-Chair of PSC); *In re: Overby-Seawell Co. Customer Data Sec. Breach Litig.*, MDL No. 1:23-md-03056 (N.D. Ga.) (PSC); *Miller v. NextGen Healthcare, Inc.*, 1L23-cv-02043 (N.D. Ga.) (PSC); *Kolstedt v. TMX Fin. Corp. Serv., Inc.*, 4:23-cv-00076 (S.D. Ga.) (PSC); *In re Enzo Biochem Data Sec. Litig.*, 2:23-cv-04282 (E.D.N.Y.) (Co-Lead); *In re: T-Mobile 2022 Customer Data Sec. Breach Litig.*, 4:23-md-03073-BCW (W.D. Mo.) (Co-Lead); *Silvers v. HCA Healthcare, Inc.*, 3:23-cv-00684 (M.D. Tn.) (Executive Committee); *In re: MOVEit Customer Data Sec. Breach Litig.*, 1:23-md-03083-ADB (D. Mass.) (PSC); *Gordon v. Zeroed-In Technologies, LLC*, 1:23-cv-03284-BAH (D. Md.) (Co-Lead); *Price v. Carnival Corp.*, 3:23-cv-00236-GPC-MSB (S.D. Cal.) (Co-Lead); *Detrixhe v. Integrus Health, Inc.*, CJ-2023-7235 (Dist. Ct. Okl. Cty) (Co-Lead); *In re: HealthEC LLC Data Breach Litig.*, No. 2:24-cv-00026-JKS-ESK (D.N.J.) (Plaintiffs’ Executive Committee); *In re: Postmeds, Inc., Data Breach Litig.*, No. 4:23-cv-05710-HSG (N.D. Cal.) (Co-Lead); *In re Harvard Pilgrim Data Security Incident*, No. 23-11211-NMG (D. Mass.) (Co-Lead); *In re Premera Blue Cross Customer Data Sec. Breach Litig.*, MDL No. 3:15-md-2633-SI (D. Or.) (Executive Leadership Committee) (\$74 million settlement); *In re Target Corporation Customer Data Security Breach Litig.*, MDL No. 14-25522 (D. Minn.) (Steering Committee on behalf of financial institutions, \$60 million settlement approved); *In re: Arby’s Rest. Group, Inc. Data Security Litig.*, 1:17-cv-514-AT (N.D. Ga.) (Co-Lead) (~\$5 million settlement); *Greater Chautauqua Federal Credit Union v. Kmart Corp.*, 1:15-cv-02228 (N.D. Ill.) (Co-Lead) (~\$18.5 million settlement); *First Choice Federal Credit Union v. Wendy’s*, 2:16-cv-00506 (W.D. Pa.) (Plaintiffs’ Executive Committee) (\$50 million settlement); *In re The Home Depot, Inc. Customer Data Security Breach Litig.*, MDL No. 14-md-02583 (N.D. Ga.) (Chair of PSC) (~\$35 million settlement).

**All Plaintiffs’ Motion For Appointment As Interim Class Counsel**

class with “incredible efficiency”). Indeed, for the past 50 years, C&M has served as lead class counsel in numerous local, statewide, multi-state, nationwide, and even international class actions.<sup>5</sup> C&M has also served in leadership positions in numerous multidistrict litigation matters and state court consolidations of multiple matters. *See, e.g., Pain Pump Device Litig.* (C&M served as National Coordinated Counsel); *In re: Johnson & Johnson Talcum Powder Prods. Mktg., Sales Practices, and Prods. Liability Litig.*, No. 16-md-2738-FLW-LHG (D.N.J. Dec. 6, 2016), ECF No. 73 (appointing C&M to plaintiffs’ steering committee).

Of particular importance here, Ms. Toops has extensive experience in data breach and privacy matters. Ms. Toops and her team are currently litigating dozens of actions challenging inadequate cybersecurity protocols that resulted in the unauthorized access, theft, and/or distribution of highly sensitive data. Ms. Toops and her team are also currently litigating dozens of actions challenging the use of third-party tracking source code on the websites and patient portals of numerous health institutions across the country. Ms. Toops currently serves as sole lead counsel in other data breach and privacy class actions currently pending in Indianapolis Commercial Court, *In Re: Eskenazi Health Data Incident Litigation*, Cause No. 49D01-2111-PL-038870, a data breach that affected over 1.5 million patients of Eskenazi, and a data tracking matter, *In re Community Health Data Incident Litigation*, No. 49D01-2211-PL-041242. Ms. Toops was appointed interim co-lead counsel in the following consolidated actions related arising out of data breaches:

- In February 2023, Ms. Toops was appointed interim co-lead counsel in *In re CorrectCare Data Breach Litigation*, Case No. 5:22-319-DCR (Feb. 22, 2023) (Dkt. No. 33), a consolidated action in United States District Court for the Eastern District of Kentucky arising from a data breach to CorrectCare’s system discovered on July 6, 2022, where the

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<sup>5</sup> *See, e.g., In re Holocaust Victim Assets Litig.*, 105 F. Supp. 2d 139 (E.D.N.Y. 2000) (settlement of \$1.25 billion for claims relating to conversion of bank accounts and property of victims of the Holocaust); *Raab v. R. Scott Waddell, in his official capacity as Commissioner of the Indiana Bureau of Motor Vehicles et al.*, Nos. 49D12-1303-PL-008769, 49D11-1310-PL- 038001 (Ind. Super. Ct.) (settlements, including after trial and judgment, of approximately \$100 million in overcharges for motor vehicle and license fees).

1 data was subjected to unauthorized access for nearly six months involving at least 496,589  
2 patients' private information.

- 3 • In August 2023, Ms. Toops was appointed interim co-lead counsel in *In Cain v. CGM, LLC*,  
4 No. 1:23-cv-02604-SEG, 5:22-319-DCR (Aug. 23, 2023) (Dkt. No. 26), a consolidated  
5 action in the U.S. District Court for the Northern District of Georgia arising from a data  
6 breach involving roughly 300,000 consumers' private information.
- 7 • In September 2023, Ms. Toops was appointed interim co-lead counsel in *Smith v. Apria*  
8 *Healthcare, LLC*, No. 1:23-cv-01003-JPH-KMB (Dkt. No. 49), a consolidated action in U.S.  
9 District Court for the Southern District of Indiana arising from a data breach affecting 1.8  
10 million patients' private information.

11 Ms. Toops also served on the Executive Committee in a consolidated federal class action  
12 data breach against Excellus Health Plan, Inc. and Lifetime Healthcare, Inc. concerning a data breach  
13 that affected 10.5 million consumers. *Excellus Data Breach Litig.*, No. 6:15-CV-06569 (W.D.N.Y.).  
14 Furthermore, she served as lead counsel in *In re Medical Informatics Engineering, Inc., Customer*  
15 *Data Security Breach Litig.*, MDL 2667 (N.D. Ind.), which settled on a class-wide basis for millions  
16 of consumers affected by a data breach.

17 Ms. Toops is also the former Chair and Vice Chair of the American Association for Justice's  
18 Data Breach Litigation and Privacy Committee. Throughout her career as a leading class action  
19 attorney, Ms. Toops and her team have engaged in extensive written and oral advocacy to achieve  
20 rulings in favor of consumer classes. Ms. Toops has successfully utilized voluminous discovery,  
21 including ESI and other data and deposition testimony, to establish class-wide claims and has vast  
22 experience working with experts in analyzing data for damages both inside and outside of the data  
23 breach context.

24 Ms. Toops and her team are leaders in nationwide litigation challenging improper bank fee  
25 practices and have recovered well over two hundred million dollars in improperly collected fee  
26 revenue on behalf of millions of consumers across the country. In this capacity, Ms. Toops and her  
27 team regularly reach settlements in excess of 70% of total damages and as high as 94% of damages.  
28 *See, e.g., Cauley v. Citizens Nat'l Bk.*, No. 20-cv-112 (Sevier Cnty. Tenn. Cir. Ct.) (C&M appointed

class as counsel and achieving settlement for nearly 94% of damages); *Hill v. Ind. Members Credit Union*, No. 49D02-1804-PL-016174 (Ind. Super. Ct.) (C&M appointed class counsel and achieving settlement for nearly 80% of damages); *Almon v. Independence Bank*, No. 19-CI-00817 (McCracken Cir. Ct. Ky.) (C&M appointed class counsel and achieving settlement for nearly 80% of damages); *Tisdale v. Wilson Bank & Trust*, No. 19-400-BC (Davidson Cnty. Tenn. Bus. Ct.) (C&M appointed class counsel and achieving settlement for 70% of damages); *Terrell et al. v. Fort Knox Credit Union*, No. 19-CI-01281 (Ky. Cir. Ct.) (C&M appointed class counsel and achieving settlement for nearly 70% of damages).

Ms. Toops satisfies all requirements for appointment by the Court.

#### 4. *Mariya Weekes (Resume Ex. D)*

Mariya Weekes is Senior Counsel at the international plaintiffs' class action firm Milberg Coleman Bryson Phillips Grossman, PLLC ("Milberg"). Since Milberg's founding in 1965, it has repeatedly taken the lead in landmark cases that have set groundbreaking legal precedents, prompted changes in corporate governance, and recovered over \$50 billion in verdicts and settlements.<sup>6</sup> Milberg has been instrumental in obtaining precedent setting decisions at every level, including at the United States Supreme Court.<sup>7</sup> The firm pioneered federal class action litigation and is widely recognized as a leader in defending the rights of victims of corporate and other large-scale wrongdoing. Milberg has more than 100 attorneys on staff and has offices across the United States and the European Union.

Ms. Weekes is a former Florida State Circuit Court Judge, elected to the bench by her

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<sup>6</sup> See, e.g., *In re Tyco International Ltd., Securities Litigation*, MDL 1335 (D.N.H.) (serving as lead counsel and obtaining approval of \$3.2 billion settlement); *In re Prudential Insurance Co. Sales Practice Litigation*, No. 95-4704 (D.N.J.) (serving as lead counsel and recovering more than \$4 billion for policyholders); see also <https://milberg.com/outstanding-recoveries/>.

<sup>7</sup> See <https://milberg.com/precedent-setting-decisions/page/3/>.

1 constituents in 2018. As a Florida Circuit Court Judge, she presided over thousands of complex  
 2 cases, hundreds of trials, and motions. In her capacity as a Circuit Court Judge, she served on the  
 3 Circuit's appellate panels reviewing appeals from the lower trial Courts and administrative agencies.  
 4 Before ascending to the bench, she practiced as a trial lawyer representing individuals and  
 5 corporations in complex cases throughout the State of Florida. As a practicing attorney, she has  
 6 personally tried dozens of jury trials to verdict and has participated in many significant cases. Both  
 7 as a civil trial lawyer and former prosecutor, she has handled complex cases from their inception  
 8 through appeal. Since leaving the bench, she now represents individuals and other entities in class  
 9 action litigation in both state and federal courts.  
 10

11 Ms. Weekes is a member of Milberg's Cybersecurity and Data Privacy Group, which has  
 12 extensive experience serving as leadership in numerous privacy class actions, including as lead or  
 13 co-lead counsel in the largest data breaches in the country. Milberg's Cybersecurity and Data Privacy  
 14 Group is largely responsible for developing the favorable case law that many plaintiffs rely on in the  
 15 data breach space.<sup>8</sup>  
 16

### 17 **5. Jeff Ostrow (Resume Ex. E)**

18 Jeff Ostrow is the Managing Partner of Kopelowitz Ostrow P.A. and has been practicing law  
 19 for 26 years. He established his own firm immediately following law school in 1997 and has since  
 20 grown it to 25 attorneys. In addition to overseeing the firm, he also runs the class action department  
 21 consisting of 10 lawyers.  
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 25 <sup>8</sup> See e.g., *Webb v. Injured Workers Pharmacy, LLC*, 72 F.4th 365 (1st Cir. 2023) (Milberg attorneys  
 26 obtained a decision from the First Circuit reversing the dismissal with prejudice of a data breach  
 27 case and finding Article III standing); *In re Arthur J. Gallagher Data Breach Litig.*, 631 F. Supp. 3d  
 28 573, 586 (N.D. Ill. 2022) (Milberg attorneys largely defeated a motion to dismiss in a data breach  
 case involving 3 million consumers); *In re Blackbaud, Inc., Customer Data Breach Litig.*, No. 3:20-  
 MN-02972-JMC, 2021 WL 2718439, at \*1 (D.S.C. July 1, 2021) (Milberg attorneys defeated a  
 standing challenge in a 10 million person data breach case).

Mr. Ostrow is regularly appointed lead counsel, co-lead counsel, liaison counsel, and class counsel in class actions in federal and state courts involving data privacy, cybersecurity, unlawful bank fees, product liability, false advertising, insurance, and miscellaneous consumer protection violations. He is currently involved in approximately 75 pending data breach cases. Three notable cases in which he is part of the leadership structure, all among the largest of 2023 and 2024, include: *Crowe v. Managed Care of N. Am., Inc.*, No. 23-cv-61065 (S.D. Fla.), affecting eight million individuals, where he is Co-Lead Counsel for Plaintiffs; *Fortra File Transfer Software Data Security Breach Litigation*, No. 24-md-3090 (SD. Fla.), affecting over 5 million individuals, where he is MDL Co-Lead Counsel; and *In re HCA Healthcare Data Security Litigation*, No. 3:23-cv-00684 (M.D. Tenn.), affecting 11 million people, where he is on the Executive Committee.

Federal judges have recognized Mr. Ostrow and the firm's commitment to excellence. In *Farrell v. Bank of America, N.A.*, 327 F.R.D. 422, 432 (S.D. Cal. 2018), in which he served as lead counsel on behalf of millions of people, U.S. District Judge Lorenz made the following observation when granting final approval to a class action settlement that included a \$68 million recovery and \$1.2 billion in injunctive relief that required the defendant to stop an extremely lucrative practice:

Class Counsel achieved this result through tenacity and great skill. In all of their written submissions and in their presentation at the Final Approval Hearing, Class Counsel's arguments were laudably clear and precise, no small feat given the complexity of the legal questions at issue here. It is clear that substantial preparation went into all of Class Counsel's work on this case.

Similarly, when approving a \$13 million settlement in which he was one of the lead counsel, Judge James Lawrence King commented that "Class Counsel's efforts in pursuing and settling these consumer claims were, quite simply, outstanding." *In re Checking Acct. Overdraft Litig.*, 1:09-MD-02036-JLK, 2013 WL 11319244, \*16 (S.D. Fla. Aug. 2, 2013). In another recent case that he was lead counsel, U.S. District Judge Jose Martinez noted "Here, Class Counsel worked extensively and with a high level of skill to advance Plaintiff's claims . . . . The case involved difficult factual and legal issues from a global pandemic. . . . Despite the strong defenses presented by Barry [University], Class Counsel obtained an excellent result for the Settlement Class Members." *Rosado v. Barry*



1 *Univ., Inc.*, No. 1:20-cv-21813-JEM (S.D. Fla.) (ECF No. 84, at 14).

2 The firm has led some of the largest cases in the country. For the past 13 years, Mr. Ostrow  
3 and his partners served as Coordinating Counsel, Settlement Class Counsel, and Lead Class Counsel  
4 in *In re Checking Acct. Overdraft Litig.*, 1:09-MD-02036-JLK (S.D. Fla.), a large MDL that resulted  
5 in the recovery of \$1.2 billion from the nation's largest banks. The firm also proudly served as co-  
6 counsel for Broward County and the City of Fort Lauderdale in *In re: National Prescription Opiate*  
7 *Litigation*, No. 1:17-md-2804 (N.D. Ohio), and for the Broward and Miami-Dade County School  
8 Boards in *In re Juul Labs*, No. 19-md-2913 (N.D. Cal.) helping their clients recover \$100 million  
9 and \$26 million, respectively.

10  
11 **6. Marc Dann (Resume Ex. F)**

12 Marc E. Dann is the Managing Partner of DannLaw. His practice focuses on representing  
13 clients who have been harmed by banks, debt buyers, debt collectors and other financial predators  
14 and providing access legal services for traditionally underserved working class and middle-class  
15 Americans. Dann has fought for the rights of tens of thousands of consumers and brought class  
16 actions lawsuits on behalf of clients in both private practice and as Ohio's Attorney General.

17 As Ohio Attorney General, Marc Dann initiated securities fraud claims against the creators  
18 of mortgage- backed securities on behalf of Ohio's public pension funds. He assembled Ohio's  
19 Organized Crime Commission to mobilize Mortgage Fraud Task Forces in Ohio's major cities to  
20 prosecute those engaged in mortgage fraud and predatory lending, Dann's office challenged the  
21 standing of mortgage servicers to foreclose in cases where the State of Ohio was a party. Dann also  
22 worked with former Ohio Supreme Court Chief Justice Thomas Moyer to organize over 1,200  
23 volunteer lawyers to represent homeowners in foreclosure. After leaving the Attorney General's  
24 Office, Marc Dann began representing Ohio homeowners facing foreclosure pro bono. During this  
25 time, he recognized that the issues faced by individual homeowners represented patterns of practice  
26 throughout the mortgage servicing industry. In response, he mobilized a team and created DannLaw  
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1 in order to fight for the rights of Ohioans.

2 Since DannLaw was founded, it has grown to represent clients facing a range of consumers'  
3 rights issues including in class action. While mortgage servicing litigation practice was the  
4 foundation of DannLaw, Marc Dann has developed a comprehensive collection of tools designed to  
5 help clients stay in their homes including prosecuting more than 25 Class Action cases. He is a  
6 recognized national leader in the use of federal mortgage servicing regulations to hold servicers  
7 accountable for their actions. Utilizing these tools has led Marc Dann to host seminars explaining  
8 these techniques to other attorneys. These working groups help to elevate the representation of  
9 clients across the nation while allowing attorneys to recognize patterns of practice that affect all  
10 citizens. For more information, see Mr. Dann's Firm Resume, attached hereto as Exhibit F.

#### 11 **7. *Rachele R. Byrd (Resume Ex. G)***

12 Rachele R. Byrd is a managing partner of Wolf Haldenstein's San Diego office. Ms. Byrd  
13 was admitted to the California Bar in 1998. She received her Juris Doctor degree from U.C. Hastings  
14 College of the Law in 1997. In August of 2001, Ms. Byrd joined Wolf Haldenstein as an associate,  
15 and in January of 2008, she was promoted to partner. During her nearly twenty-three years with Wolf  
16 Haldenstein, Ms. Byrd has litigated privacy/data breach, consumer, corporate derivative, securities,  
17 antitrust, and employment class actions. She has been involved in every stage of class action  
18 litigation.  
19

20 Wolf Haldenstein was established in 1888 and has offices in New York City, Chicago, San  
21 Diego and Nashville. Ms. Byrd and Wolf Haldenstein have served as lead or co-lead counsel in  
22 countless class actions in federal and state courts throughout the country and, in particular, in many  
23 data breach class actions. Ms. Byrd also has demonstrated the ability to work cooperatively with  
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others as Co-Lead Counsel or a member of a plaintiffs' committee.<sup>9</sup> Ms. Byrd and Wolf Haldenstein have achieved excellent results in numerous complex class actions, recovering billions of dollars for class members and obtaining meaningful changes in corporate behavior as well. Courts nationwide have recognized Wolf Haldenstein's qualifications to serve as class counsel.<sup>10</sup> Further details are set forth in Wolf Haldenstein's firm resume attached hereto as Exhibit G.

#### 8. *Thomas E. Loeser (Resume Ex. H)*

Thomas E. Loeser, a Cotchett, Pitre & McCarthy (CPM) partner based in its Seattle office, is a Martindale-Hubbell *AV Preeminent Rated Super Lawyer* and member of *Law Dragon's 500 Leading Lawyers in America* and the *National Trial Lawyers Top 100 Trial Lawyers*. Mr. Loeser adds a hard-science background, and high-technology *bona fides*, to his 25 years of litigation experience. Mr. Loeser's prior technology career includes the authorship of code for the Treasury at Microsoft and a product analyst position at the Hewlett-Packard Company. Mr. Loeser began his law career at Wilson Sonsini in Silicon Valley, with a focus on technology law.

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<sup>9</sup> For example, Ms. Byrd is currently a member of the EC and Chair of the Client Communications and Defensive Discovery Committee in *In re Lakeview Loan Servicing Data Breach Litig.*, No. 1:22-cv-20955-DPG (S.D. Fla.). *See also In re: Sequoia Benefits and Insurance Data Breach Litig.*, No. 3:22-cv-08217 (where Ms. Byrd is Co-Lead Counsel); *Carrera Aguillo v. Kemper Corp.*, No. 1:21-cv-01883 (N.D. Ill. Oct. 27, 2021) (where Ms. Byrd was Co-Lead Counsel); and *In re: Scripps Health Data Incident Litig.*, No. 37-2021-00024103-CU-BT-CTL (San Diego Super. Ct.) (where Ms. Byrd was Co-Lead Counsel).

<sup>10</sup> *See, e.g., Good Morning to You Productions Corp. v. Warner/Chappell Music, Inc.*, No. CV 13-04460-GHK (MRWx) (C.D. Cal. Aug. 16, 2016) (Judge George H. King stated: "Not all, or perhaps even most, plaintiffs' class counsel could have litigated this case as successfully as did class counsel against such a fierce and exceptionally accomplished opponent."); *Bokelman et al. v. FCH Enterprises, Inc.*, Case No. 1:18-cv-209 (D. Haw. May 3, 2019) (Judge Robert J. Bryan said, "I've been impressed by the quality of the work you've done throughout here, and that is reflected, I think, in the fact that no one has objected to the settlement."); *K.J. Eggleston L.P. v. Heartland Industrial Partners*, No. 06-13555 (E.D. Mich. 2010) ("An outstanding job of representing [its] clients...the conduct of all counsel in this case and the result they have achieved for all of the parties confirms that they deserve the national recognition they enjoy.").

1 In 2002, Mr. Loeser was appointed an Assistant United States Attorney in Los Angeles,  
 2 where he joined the elite Cyber and Intellectual Property Crimes Section. This role entailed months  
 3 of training in the investigation and prosecution of hacking, computer intrusion, malware, and data  
 4 breach cases. Mr. Loeser's training included detecting, tracing, and investigating hacking by state-  
 5 sponsored and foreign black-hat operators—actors which some reports suggest were behind this  
 6 data breach. It also included specialized training in investigation of the “dark web,” where hackers  
 7 turn to profit from their crimes and where evidence of this data breach was discovered. Mr. Loeser  
 8 resolved hundreds of criminal cases—including federal hacking and data theft cases—and brought  
 9 over a dozen federal cases to trial and through appeal. Mr. Loeser has preserved his relationships  
 10 with leading cyber attorneys and investigators throughout the United States and abroad. Indeed,  
 11 many of Mr. Loeser's former cyber-prosecutor colleagues now work at firms and consultancies that  
 12 are regularly retained by corporations like MGM at the heart of the biggest data breach cases. It is  
 13 only fitting that the victim-class should have the same level of critical expertise in the prosecution  
 14 of this case that MGM will have in its defense.

17 Mr. Loeser was appointed to the Executive Committee in *In re T-Mobile 2022 Customer*  
 18 *Data Security Breach Litigation*. Other notable privacy and data breach cases in which he  
 19 participated include *In re Carrier IQ, Inc.*, *Consumer Privacy Litig.*, No. 3:12-md-02330-EMC  
 20 (N.D. Cal. 2012), *In re Target Corp. Customer Data Sec. Breach Litig.*, and *Sheikh v. Tesla*, where  
 21 Mr. Loeser was appointed class counsel. At final approval of a complex and hard-fought  
 22 settlement, Judge Beth Labson Freeman remarked on the record:  
 23

24 I will reiterate that Class Counsel has demonstrated over many years, superior  
 25 experience and capability in handling class actions of this sort. It's not simple,  
 26 you make it look easy, and that is the art of what you do, Mr. Loeser, and the Court  
 27 certainly appreciates the good work in this case, and in recognition of the many  
 28 cases that your firm has handled over the years.<sup>11</sup>

<sup>11</sup> *Sheikh v. Tesla, Inc.*, No. 5:17-cv-02193-BLF (N.D. Cal.) (Oct. 17, 2018 Hr'g Tr. at 12).

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**9. Maureen M. Brady (Resume Ex. I)**

Licensed in Missouri and Kansas, Ms. Brady has litigated numerous data breach privacy cases throughout the United States.<sup>12</sup> These cases possess very similar issues as those presented in the instant case actions survived numerous motions to dismiss on the arguments likely to be presented in this case. Maureen is a nationally recognized leader in the area of HIPAA law and medical disclosures. She was awarded the Missouri Bar Innovation Award for her development of the use of HIPAA in medical disclosure cases. She has spoken on healthcare privacy issues at the Sedona Conference, a leading organization for the research and development of legal principles.

Maureen is not only one of the preeminent attorneys in the nation to litigate wrongful disclosures of medical information, having successfully litigated over 500 class and individual cases involving the wrongful disclosure of PHI, she has also distinguished herself as a leader within the legal field. She serves on numerous Boards and holds leadership positions in Missouri Association of Trial attorneys and the Association for Women Lawyers of Greater Kansas City. Maureen has written numerous articles about this area of the law and has given scores of lectures to legal and civic groups throughout Missouri and Kansas.

**10. Charles E. Schaffer (Resume Ex. J)**

Charles E. Schaffer is a partner with Levin Sedran & Berman LLP (“Levin Sedran”), where he has practiced for over two decades and leads the firm’s consumer class action and data breach

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<sup>12</sup> See, e.g., *In Re Mednax Services, inc., Customer Data Security Breach Litigation*, case no. 21-MD-02994-RAR (S.D. Fla.) (co-lead counsel); *In Re BetterHelp, Inc. Data Disclosure Cases*, case no. 3:23-cv-01033-RS (N.D. Cal.) (co-lead counsel); *In Re: T-Mobile Customer Data Security Breach Litigation*, case no. 4:21-MD-03019-BCW (W.D. Mo.) (Executive Committee member). Maureen has led the litigation team on precedential cases including without limitation: *M.S. and D.H. v. MedData, Inc.*, case no. 4:22-cv-00187, (S.D. Tex.); *Cox v. Valley Hope Association*, case no. 1716-CV03081 (Cir. Ct. Jackson Ct. Mo.); *T.P.H. v. Blue Springs Family Care*, Case No. 1916-CV07105 (Cir. Ct. Jackson Ct. Mo.); and *K.A. v. Children’s Mercy Hospital*, Case No. 18-00675-CV-W-OS (W.D. Mo.).

and privacy teams. Levin Sedran is a Philadelphia law firm which has earned recognition as a “class-action powerhouse” due to pioneering the use of class action which resulted in numerous record-breaking recoveries over the last four decades, and as a result, are frequently called upon to lead some of the largest MDLs and complex litigation.<sup>13</sup> Mr. Schaffer’s stock and trade is leading complex litigation, having been appointed to twenty leadership positions in various MDLs by district courts across the nation and having served in over forty leadership positions in non-MDL complex litigation. Mr. Schaffer’s background and experience is particularly well-suited for litigating this case, which requires legal savvy, advanced cybersecurity knowledge, and the ability to develop and implement successful litigation strategies by collaborating and working with other plaintiffs’ counsel towards the common goal of a class wide judgment or settlement. As demonstrated throughout his career, Mr. Schaffer has earned the trust and confidence of his peers by being an honest broker and leading by example, traits which he learned by serving his country as a United States Marine.

He has focused his practice representing consumers victimized by defective products, data breaches, and unfair or deceptive practices and helped recover billions of dollars in compensation.<sup>14</sup>

Of particular relevance, he has extensive experience representing victims of data breaches and

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<sup>13</sup> See, e.g., *In re: Diet Drug Product Liability Litigation*, MDL No. 1203 (E.D. Pa.) (\$6.75 billion-dollar settlement); *In re Nat’l Football League Players’ Concussion Injury Litig.*, MDL No. 2323 (E.D. Pa.) (settlement in excess of \$1 billion dollars); *In re Chinese-Manufactured Drywall Product Liab. Litig.*, MDL No. 2047 (E.D. La.) (settlement in excess of \$1 billion dollars).

<sup>14</sup> See, e.g., *Segebarth v. CertainTeed LLC*, No. 19-5500 (E.D. Pa.), (Lead Counsel, nationwide settlement valued at over \$900 million); *In re: CertainTeed Corporation Roofing Shingle Product Liability Litigation*, MDL No. 1817 (E.D. Pa.) (Liaison Counsel, nationwide settlement valued at \$687 to \$815 million); *In re: CertainTeed Siding Litigation*, MDL No. 2270 (E.D. Pa.) (Liaison Counsel, \$103.9 million nationwide settlement); *In re: JP Morgan Modification Litig.*, MDL No. 2290 (D. Mass.) (Lead Counsel, nationwide settlement valued at \$506 million on behalf of bank customers wrongfully denied mortgage modifications); *Herrera v. Wells Fargo Bank, N.A.*, No. 8:18-cv-00332 (C.D. Cal.) (Lead Counsel, nationwide settlement in excess of \$300 million to repay borrowers for prepaid GAP insurance and unwarranted fees); *In re Wells Fargo Ins. Mktg. Sales Prac. Litig.*, MDL No. 2797 (C.D. Cal.) (Executive Committee, \$423.5 million nationwide settlement to repay borrowers for unnecessary insurance and fees).

invasion of privacy, including serving in leadership and as class counsel in over twenty-five data breach class actions throughout the country, many of which include cases involving similar data security issues, data and claims brought in this matter.<sup>15</sup> *See also* Exhibit J.<sup>16</sup> He is well versed in the factual and legal nuances of data breach cases, having dealt with the key issues that typically recur in data breach class actions (i.e. defendants' duty to protect data, Article III standing, and damages) and has demonstrated ability to successfully lead such cases including negotiating nationwide class action settlements. Based on his substantial experience in complex litigation and in the data breach field, Mr. Schaffer is uniquely positioned and well-qualified to represent the interests of the Class and to assist in leading the successful prosecution of this case.

### ***11. James Cecchi (Resume Ex. K)***

Before entering private practice, James E. Cecchi clerked for the Honorable Nicholas H. Politan in the District of New Jersey and then served as an Assistant United States Attorney ("AUSA") in Newark, New Jersey under the direction of United States Attorney Michael Chertoff. Mr. Cecchi tried numerous complex cases to trial and developed skills not only as an effective trial advocate but also as a dogged investigator—skills that have proven immensely valuable in complex MDL cases.

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<sup>15</sup> *See, e.g., In re MoveIt Customer Data Security Breach Litigation*, MDL 3083 (D. Mass) (Lead Counsel, financial, health and personal data in a breach with over 100 million potential victims); *Holden v. Guardian Analytics, Inc.*, No. 2:23-cv-02156 (D.N.J.) (Lead Counsel, financial and personal data); *In re: NCB Mgmt. Serv., Inc. Data Breach Litig.*, No. 2:23-cv-01236 (E.D. Pa.) (Liaison counsel, financial and personal data); *In re: Overby-Seawell Co. Cust. Data Sec. Breach Litig.*, MDL No. 3056 (N.D. Ga) (Executive Committee, financial and personal data); *Green v. Accolade, Inc.*, 2:18-cv-00274 (E.D. Pa.) (Lead Counsel, personal data); *Abdelmessih v. Five Below, Inc.*, 2:19-cv-01487 (E.D. Pa.) (Lead Counsel, personal data); *In re Wawa, Inc., Data Breach Litigation*, No. 19-6019 (E.D. Pa.) (Co-Chair of third-party discovery committee for financial track); *In re: Carrier IQ Consumer Privacy Litigation*, MDL No. 2330 (N.D. Cal.) (Executive Committee, personal data)

<sup>16</sup> He also served as a member of the litigation teams and assisted lead counsel in other major data breach cases, including *In re Marriot Int'l Cust. Data Sec. Breach Litig.*, MDL No. 2879 (D. Md.); *In re Capital One Cons. Data Sec. Data Breach*, MDL No. 2915 (E.D. Va.).



During the course of practice, Mr. Cecchi has had the privilege to be appointed to leadership positions in the nation's largest and most complex cases.<sup>17</sup> Of particular note, in the context of this data breach MDL, Mr. Cecchi has been recognized with formal leadership appointments in several recent important data privacy litigation.<sup>18</sup> These appointments reflect the confidence other federal courts have placed in Mr. Cecchi's abilities to represent consumers in the data breach space.

### ***12. Nathan R. Ring (Resume Ex. L)***

Mr. Ring is currently *of counsel* with Stranch, Jennings & Garvey, PLLC and previously served as a partner at Stranch, Jennings & Garvey, PLLC until March 2024. He maintains a close working relationship with co-lead counsels, J. Gerard Stranch, IV and Lynn Toops. This close working relationship with lead counsel will assist lead counsel immensely and present a benefit to the putative class.

Mr. Ring is based in Las Vegas, Nevada and currently maintains law offices in Las Vegas and Reno. He graduated *cum laude* from the William S. Boyd School of Law at UNLV in 2010. He has been licensed to practice law in Nevada since 2010 and is also licensed to practice law in Oregon and Washington. He is admitted to practice before the United States Court of Appeals for the Ninth Circuit. He has regularly appeared in the U.S. District Court for the District of Nevada since entering

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<sup>17</sup> *In re National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio) (Plaintiffs' National Executive Committee), *In re: Takata Airbag Products Liability Litigation*, MDL No. 2599 (S.D. Fla.) (Plaintiffs' Executive Committee), and *In re: Mercedes-Benz Emissions Litigation*, Civil Action No. 16-cv-881 (D.N.J.) (Co-Lead Counsel).

<sup>18</sup> *In re: American Medical Collection Agency, Inc. Customer Data Security Breach Litigation*, MDL No. 2904 (D.N.J.) (Sole Lead Counsel), *In re: Samsung Customer Data Security Breach Litigation*, MDL No. 3055 (D.N.J.) (Sole Lead Counsel), *In re TikTok Consumer Privacy Litigation*, MDL 2948-A (N.D. Ill.) (Plaintiffs' Steering Committee), *In re T-Mobile Customer Data Security Data Breach Litigation*, MDL No. 3073 (W.D. Mo.) (Co-Lead Interim Class Counsel), and *In re Fortra File Transfer Software Data Security Breach Litigation*, MDL No. 3090 (S.D. Fla.) (MDL Coordination and Settlement Counsel).



1 private practice in March 2011. Prior to entering private practice, Mr. Ring served as a law clerk to  
2 the Honorable William G. Rogers of Nevada's Third Judicial District Court.

### 3 **C. Proposed Counsel have the Necessary Resources to Devote to the Litigation**

4 Proposed Counsel have ample resources to prosecute this litigation, from discovery through  
5 motion practice, trial, and appeals. See Duke Guidelines at 39 (Best Practice 3C(iii): stating in part  
6 that applicants should "provide information about the resources they have available to contribute to  
7 the litigation"). Importantly, as with experience, the proposed leadership group's resources far  
8 eclipse those of any of the other firms who may seek leadership in this litigation.

9  
10 Proposed Counsel include several lawyers at law firms that are widely acknowledged as the  
11 preeminent and most successful class action law firms in the world. Their resources, including  
12 numerous class action lawyers around the country that have handled some of the most complex  
13 matters in the United States and abroad. Collectively, they have litigated against some of the largest  
14 companies in the world, recovered tens of billions of dollars for their clients in trials and settlements,  
15 and courts have appointed the firm's attorneys to leadership positions in hundreds of cutting-edge  
16 class actions. These cases often involved extensive discovery and well-heeled defense counsel. Just  
17 as in those cases, Proposed Counsel will devote ample financial resources to this case.

### 18 **D. Other Factors Support the Appointment of the Proposed Leadership Group**

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20 In addition to the extensive skill and experience outlined herein, the proposed leadership  
21 group reflects the diversity of the bar and the putative class. See Duke Guidelines at 38 (Best Practice  
22 3C) (noting that leadership appointments should "responsibly and fairly represent all plaintiffs,  
23 keeping in mind the benefits of diversity of experience, skills, and backgrounds"). Finally, the  
24 proposed leadership group has significant experience monitoring billing, controlling costs, and  
25 avoiding duplication of effort in assigning and undertaking case-related work. Mindful of best  
26 practices in complex cases like this one, the proposed leadership group understands the importance  
27  
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1 of efficient, effective litigation and of keeping the Court informed in the manner best suited to this  
 2 Court's needs.

### 3 **V. CONCLUSION**

4 If appointed by the Court, Proposed Counsel will be privileged to represent Plaintiffs and the  
 5 proposed Class. They will draw on their extensive experience litigating data breach class actions of  
 6 this kind; will commit the necessary time and resources to pursue the matter to its conclusion; will  
 7 coordinate and cooperate with counsel in the Consolidated Cases to provide focused roles to  
 8 prosecute the case efficiently; and will at all times meet their fiduciary obligations to the named  
 9 Plaintiffs, all members of the proposed class, and this Court. Thus, Plaintiffs respectfully ask that  
 10 the Court appoint J. Gerard Stranch IV, James J. Pizzirusso, and Lynn A. Toops as Interim Lead  
 11 Counsel; Mariya Weekes, Jeffrey M. Ostrow, Marc Dann, Rachele R. Byrd, Tom Loeser, Maureen  
 12 M. Brady, Charles E. Schaffer and James Cecchi to the Plaintiffs' Steering Committee; and Nathan  
 13 R. Ring as Plaintiffs' Liaison Counsel.  
 14  
 15

16 Dated: April 19, 2024.

Respectfully submitted,

17 /s/ Nathan R. Ring

18 Nathan R. Ring  
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**CERTIFICATE OF SERVICE**

It is hereby certified that a true and accurate copy of the foregoing was this 19th day of April, 2024 filed via the CM/ECF system and served by electronic mail upon all counsel of record.

/s/ Nathan R. Ring

Nathan R. Ring